

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DR. DAVID S. FIELD and HOLLY FIELD,

Plaintiffs,

-v-

EXPONENTIAL WEALTH INC., et al.,

Defendants.

CIVIL ACTION NO.: 21 Civ. 1990 (JGK) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On March 21, 2023, the Court ordered Defendant Ryan Murnane (“Ryan”) to show cause why he has failed to produce certain bank statements (the “Bank Statements”) and why the Court should not direct that a certificate of default be entered against him for his failure to comply with the Court’s orders. (ECF No. 198 (the “OTSC”)). The Court directed Ryan to respond to the OTSC by declaration on or before April 4, 2023. (Id. at 3). The Court also permitted Ryan to resolve the OTSC by producing the Bank Statements by April 3, 2023. (Id.) Ryan did not file a declaration in response to the OTSC by the Court-ordered deadline.

On April 11, 2023, Plaintiffs Dr. David S. Field and Holly Field (“Plaintiffs”) filed a letter requesting an order directing the Clerk of Court to enter a certificate of default against Ryan for his failure to comply with the OTSC. (ECF No. 201 (the “Request”)). Plaintiffs state that, “[o]n March 23, Ryan sent [them] a few bank statements for only one of at least four relevant bank accounts, much of which was previously produced, and the same documents for this account and the other three accounts remain outstanding” (the “Mar. 23 Production”). (Id. at 2). Plaintiffs also state that Ryan has not responded to their follow-up requests for the Bank Statements and other discovery. (Id.)

To permit the Court to resolve the OTSC, Ryan is directed to file a response to the Request by **April 19, 2023** explaining why the Court should deem Mar. 23 Production sufficient to satisfy the OTSC. The Court will resolve the OTSC and rule on Plaintiffs' Request on receipt of Ryan's response to this Order.

RYAN IS WARNED AGAIN THAT THE FAILURE TO COMPLY WITH THIS COURT'S ORDERS WILL RESULT IN THE COURT ENTERING AN ORDER DIRECTING THE CLERK OF THE COURT TO ENTER A CERTIFICATE OF DEFAULT, PERMITTING PLAINTIFFS TO FILE A MOTION FOR A DEFAULT JUDGMENT AGAINST HIM, AND ORDERING OTHER SANCTIONS FOR HIS REPEATED FAILURE TO COMPLY WITH COURT ORDERS, INCLUDING AN AWARD OF COSTS.

Plaintiffs shall promptly serve a copy of this Order on Ryan.

The Clerk of Court is respectfully directed to mail a copy of this Order to Ryan at the address below.

Dated: New York, New York
April 12, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

Mail To: Ryan Murnane
886 Edgegrove Ave.
Staten Island, NY 10309